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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,037	09/03/2003	Clifford E. MARTIN	45767.2	2036

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CANADA

EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,037

Applicant(s)

MARTIN, CLIFFORD E.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- Specie 1: Figures 1-6.
- Specie 2: Figure 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is

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the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Edward Yoo on September 27, 2004 a provisional election was made with traverse to prosecute the invention of Specie 1, claims 1-6. Applicant in replying to this Office action must make affirmation of this election. Claims 7-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because of the phrase "The present invention". Correction is required. See MPEP § 608.01(b).

Claim Objections

5. **Claims 1 and 4 are objected** to because of the following informalities:

- Claim 1 Line 6, change "second unlocked position" to -first unlocked position-.
- Claim 1 Line 10, change "first locked position" to -second locked position-.
- Claim 4 Line 3, change "between a first locked position and a second unlocked position" to -between a third locked position and a third unlocked position -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claim 1 is rejected** under 35 U.S.C. 102(b) as being anticipated by GB Pat No 2,045,331 to O'Hanlon.

Regarding claim 1, O'Hanlon discloses an apparatus comprising a first deadbolt (the one extending from the locking device 23, Page 3 Lines 20-25), positioned within a doorjamb (2) adjacent a first door end. The first deadbolt is movable between a first locked end and a first unlocked position.

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A second deadbolt (17) is positioned within the door at a second door end, opposite the first door end. The second deadbolt is movable between a second locked position and a second unlocked position.

The apparatus further includes means (the locking device 23) for actuating the first deadbolt between its locked and unlocked positions and means (14,15 and 20) for actuating the second deadbolt in synchronization with the first deadbolt, in response to movement by the first deadbolt or the first deadbolt actuation means.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-6 are rejected** under 35 U.S.C. 103(a) as being unpatentable over GB Pat No 2,045,331 to O'Hanlon.

Regarding claim 2, O'Hanlon discloses that the first deadbolt (the one extending from the locking device 23) is positioned outside the door when is in the unlocked position and engages an opening in the door when it is moved to the locking position. Also, O'Hanlon discloses that the second deadbolt (17) is housed within the door when is in the unlocked position and engages an opening (24) when is moved to the locking position.

However, O'Hanlon fails to disclose that the apparatus is in a vertical position, wherein the first deadbolt is above the door and the second deadbolt engages an

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opening at the floor. O'Hanlon discloses that the apparatus is in a horizontal position, wherein the first deadbolt is in a doorjamb (2) and the second deadbolt engages an opening at the other doorjamb.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the apparatus in a vertical position, instead of a horizontal position, because the position of the apparatus will not affect the mechanism of the apparatus to lock the door.

As to claim 3, O'Hanlon discloses that the first deadbolt actuation means comprises an electric solenoid motor (Page 1 Lines 78-80).

As to claim 4, O'Hanlon discloses that the means for actuating the second deadbolt comprises a locking rod (14 and 15) moveable between a third locked position and a third unlocked position. A first end of the locking rod (at 14) is exposed in the opening when in its unlocked position and is displaced by the first deadbolt to move into its locked position when the upper deadbolt is moved into its locked position.

As to claim 5, O'Hanlon discloses that the locking rod is contained within a tube (5) affixed to an exterior surface of the door.

As to claim 6, O'Hanlon discloses that the means for biasing the locking rod comprises a coil spring (20) acting on the locking rod, biasing it towards its unlocked position.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

September 27, 2004.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600